

**MEDICAL EXAMINING BOARD
SEPTEMBER 15, 2004 MEETING MINUTES**

PRESENT: Mary Cook, JD; Lief Erickson, Jr., MD; Alfred Franger, MD; Jon Gudeman, MD; Virginia Heinemann; Sujatha Kailas, MD; Jack Lockhart, MD; Ian Munro, MD; Gene Musser, MD; Bhupinder Saini, MD.

EXCUSED: Daniel Miota, DO

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Legal Counsel; Kevin Murphy, Bureau Assistant; DOE Staff for portions of the meeting.

GUESTS: Mark Grapentine, Wisconsin Medical Society

CALL TO ORDER

Chair Alfred Franger called the meeting to order at 8:05 a.m.

APPROVAL OF AGENDA

Additions:

Geissler Application added after Item T

A plain language analysis placed with Item C

Hsueh oral and correspondence added to Item R

Brown oral and correspondence added to Item S

MOTION: Dr. Musser moved, seconded by Dr. Gudeman, to approve the agenda. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 18, 2004

Ms. Heinemann noted that on page 5 of the minutes, under the Rasmussen stay request, the motion should read: "to deny the stay," not "to terminate the current stay."

MOTION: Dr. Lockhart moved, seconded by Dr. Kailas, to approve the minutes as amended. Motion carried unanimously.

REPORT OF SCREENING PANEL

Dr. Lockhart reported that of approximately 40 reviewed cases, 6 were opened and 2 required additional information.

ADMINISTRATIVE REPORT

MOTION: Dr. Munro moved, seconded by Dr. Musser, to approve the 2005 meeting dates, as recommended by the Department. Motion carried unanimously.

The Bureau Director asked for the Board's review and approval of the new Athletic Trainers Affiliated Credentialing Board rule.

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to approve the draft of the new Athletic Trainers Affiliated Credentialing Board rule. Motion carried unanimously.

The Bureau Director then alerted the Board to two new Regulatory Digest drafts—one for the Medical Examining Board and the other for the Perfusionists Examining Council. Ms. Heinemann noted a minor change to the Medical Examining Board Roster.

MOTION: Dr. Lockhart moved, seconded by Dr. Kailas, to approve the Medical Examining Board Regulatory Digest for publication and distribution. Motion carried unanimously.

MOTION: Dr. Lockhart moved, seconded by Dr. Kailas, to approve the Perfusionist Examining Council Regulatory Digest for publication and distribution. Motion carried unanimously.

PRESENTATION OF STIPULATIONS

Jeanette Lytle presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against John S. Poser, MD.

Arthur Thexton presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Robin R. Ferron, MD.

Michael Berndt presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against James C. Cadwallader, MD.

David Hart presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against John Weibel, DO.

The proposed stipulations will be deliberated on in closed session.

Dr. Saini arrived at 8:20 a.m.

PRACTICE QUESTION – TELEPHONE CONSULTATION – DEBRA MINJAREZ, MD – COLORADO CENTER FOR REPRODUCTIVE MEDICINE – ENGLEWOOD, CO

The Board reviewed correspondence between Dr. Minjarez and DRL Board Counsel. After discussing Dr. Minjarez's practice, the Board offered the following motion:

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to write Dr. Minjarez a letter explaining that she will need a Wisconsin license to conduct telephone consultations and patient history reviews with Wisconsin residents. DRL Legal Counsel will draft and send that letter. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Dr. Erickson moved, seconded by Ms. Heinemann, to CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote.

DELIBERATION OF PROPOSED STIPULATIONS

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to adopt the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Robin R. Ferron, MD. Motion carried unanimously.

MOTION: Dr. Lockhart moved, seconded by Dr. Munro, to adopt the proposed stipulation, final decision and order in the matter of disciplinary proceedings against James C. Cadwallader, MD. Motion carried unanimously.

MOTION: Dr. Kailas moved, seconded by Ms. Heinemann, to adopt the proposed stipulation, final decision and order in the matter of disciplinary proceedings against John S. Poser, MD. Motion carried unanimously.

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to adopt the proposed stipulation, final decision and order in the matter of disciplinary proceedings against John Weibel, DO. Motion carried unanimously.

CONSIDERATION OF SUPPORTING AFFIDAVITS OF COSTS AND RESPONDENT'S OBJECTION TO COSTS IN THE MATTER OF SHIRLEY YEZDI GODIWALLA, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to defer action until more information is obtained from DOE. Motion carried unanimously. Dr. Erickson abstained from deliberations and voting.

**DELIBERATION OF PROPOSED DECISION AND ORDER, OBJECTIONS AND
RESPONSE TO OBJECTIONS IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST JOSEPH E. PILON, MD, RESPONDENT**

MOTION: Dr. Lockhart moved, seconded by Dr. Saini, to adopt the ALJ's proposed decision and order in the matter of disciplinary proceedings against Joseph E. Pilon, MD. Motion carried in a 6-4 vote.

CONSIDERATION OF COMPLAINTS

MOTION: Ms. Cook moved, seconded by Ms. Heinemann, in favor of a finding of probable cause and to issue a complaint in the matter of 03 MED 383. Motion carried unanimously.

MOTION: Dr. Erickson moved, seconded by Ms. Cook, in favor of a finding of probable cause and to issue a complaint in the matter of 01 MED 206. Motion carried. Dr. Lockhart abstained from deliberations and voting.

CONSIDERATION OF IPP RELEASE

MOTION: Dr. Gudeman moved, seconded by Dr. Erickson, to release Case #372 from IPP. Motion carried unanimously.

CONSIDERATION OF ADMINISTRATIVE WARNINGS

MOTION: Dr. Lockhart moved, seconded by Dr. Saini, to issue an administrative warning in the matter of 04 MED 058. Motion carried unanimously.

MOTION: Dr. Lockhart moved, seconded by Dr. Munro, to issue an administrative warning in the matter of 04 MED 187. Motion carried unanimously.

MOTION: Dr. Musser moved, seconded by Dr. Lockhart, to issue an administrative warning in the matter of 03 MED 203. Motion carried in an 8-2 vote.

FULL BOARD ORAL EXAMINATION – DR. AILEEN HSUEH

MOTION: Dr. Musser moved, seconded by Ms. Heinemann, to defer action in the matter of Aileen Hsueh, MD, and request that she reapply for licensure six months after her probation is lifted. The Board noted that her application should include a letter from her program director outlining her progress. Motion carried. Dr. Gudeman abstained from deliberations and voting.

FULL BOARD ORAL EXAMINATION – DR. NEIL BROWN

MOTION: Dr. Erickson moved, seconded by Dr. Gudeman, to issue a license in the matter of Neil Brown, MD. Motion carried. Dr. Lockhart abstained from deliberations and voting.

FULL BOARD ORAL EXAMINATION – DR. CAROLYN LAMONICA

MOTION: Dr. Erickson moved, seconded by Ms. Heinemann, to issue a license, suspend the license, and grant a stay of suspension in the matter of Carolyn LaMonica, MD. Motion carried unanimously. Dr. Gudeman abstained from deliberations and voting.

REQUEST FOR RENEWAL OF VISITING PROFESSOR LICENSE – FELIX GEISLER, MD

MOTION: Dr. Munro moved, seconded by Dr. Lockhart, to grant a license in the matter of Felix Geissler, MD. Motion carried unanimously.

DOE MONITORING

JEFFREY JUNIG – REQUEST FOR THREE MONTH STAY AND MODIFICATIONS

MOTION: Dr. Musser moved, seconded by Dr. Lockhart, to grant the stay of suspension and drop the mandatory counseling to once per month. Urine screenings will remain at twice a month. Motion carried. Dr. Kailas abstained from deliberations and voting.

THOMAS STRICK, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to grant the stay of suspension and drop mandatory counseling to twice per month. Urine screenings will remain at twice per week. Motion carried.

THOMAS HOLBROOK, MD – REQUEST FOR REINSTATEMENT

MOTION: Dr. Munro moved, seconded by Dr. Lockhart, to reinstate the license of Thomas Holbrook under the following conditions: the license will be limited; he must attend weekly therapy; he must have a professional mentor; and the mentor must send quarterly reports to brief the Department and the Board on his progress. Motion carried in an 8-1 vote. Dr. Gudeman abstained from deliberations and voting.

SCOTT CONANT, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Dr. Musser moved, seconded by Dr. Munro, to grant a three month stay of suspension in the matter of Scott Conant, MD. Motion carried unanimously.

JOHN GREGORY HOFFMANN, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Dr. Musser moved, seconded by Dr. Munro, to grant a three month stay of suspension in the matter of John Gregory Hoffmann, MD. Motion carried unanimously.

DOE CASE STATUS REPORT – CASE CLOSINGS

MOTION: Dr. Lockhart moved, seconded by Ms. Heinemann, to close case 01 MED 214 for prosecutorial discretion. Motion carried unanimously.

MOTION: Dr. Kailas moved, seconded by Dr. Munro, to close case 04 MED 013 for no violation. Motion carried unanimously.

MOTION: Dr. Munro moved, seconded by Dr. Saini, to close case 04 MED 488 for no violation. Motion carried unanimously.

MOTION: Dr. Musser moved, seconded by Ms. Heinemann, to close case 03 MED 582 for no jurisdiction. Motion carried unanimously.

MOTION: Ms. Heinemann moved, seconded by Dr. Munro, to close case 03 MED 248 for no violation. Motion carried unanimously.

MOTION: Dr. Kailas moved, seconded by Ms. Heinemann, to close case 03 MED 412 for no violation. Motion carried unanimously.

MOTION: Ms. Heinemann moved, seconded by Ms. Cook, to close case 04 MED 163 for no violation. Motion carried unanimously.

MOTION: Dr. Gudeman moved, seconded by Ms. Cook, to close case 03 MED 404 for no violation. Motion carried unanimously.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:27 p.m.

MOTION: Dr. Saini moved, seconded by Dr. Munro, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Saini moved, seconded by Dr. Munro, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 1:31 p.m.

Next Meeting October 20, 2004